

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

HEATHER KIERNAN,

Plaintiff,

v.

ARMORED MOTOR SERVICE OF AMERICA,  
INC. and FRANCESCO CIAMBRIELLO,

Defendants.

C. A. NO. 04-10131

**DEFENDANT ARMORED MOTOR SERVICE OF AMERICA, INC.'S  
OBJECTIONS TO PLAINTIFF'S EXHIBITS**

Pursuant to the Court's Order For Pre-Trial Conference and For Trial dated November 14, 2006, Defendant Armored Motor Service Of America, Inc. ("AMSA") provides the following list of exhibits Plaintiff proposes to which AMSA objects and the reasons for its objection.

**#3: Arrest report: Attleboro Police Department dated 5/22/2001.**

AMSA objects to the numerous hearsay statements within the document. Only upon redaction of all such hearsay statements would AMSA consider agreeing to have this document enter into evidence.

**#10: Letter dated 3/18/2003 from Jeanne Veenstra to David Ardito.**

AMSA objects to the multiple levels of hearsay and the lack of foundation for this proposed exhibit.

**#11: Heather Kiernan's Application to Stay Investigation (MCAD) dated 5/2/2003.**

AMSA objects to this proposed exhibit because it is not relevant and contains hearsay.<sup>1</sup>

**#12: AMSA's Opposition to Complainant's Application to Stay Investigation dated 5/12/2003.**

AMSA objects to this proposed exhibit because it is not relevant and contains hearsay.

**#13: Heather Kiernan's Supplemental Statement in Support of Her Application to Stay Investigation dated May 19, 2003.**

AMSA objects to this proposed exhibit because it is not relevant and contains hearsay.

**#14: AMSA's Supplemental Opposition to Complainant's Application to Stay Investigation dated May 21, 2003.**

AMSA objects to this proposed exhibit because it is not relevant and contains hearsay.

**#18: Records from the Hartford Insurance Company with affidavit dated 3/28/2005.**

AMSA objects to pages 2-7, 9, 11-16, and 18 of this proposed exhibit on the grounds those pages contain hearsay, are not relevant, and are unduly prejudicial.

**#20: Emails from DA's office dated June 17, 2003 and June 13, 2002.**

AMSA objects to the e-mail from Christopher Abreu dated June 17, 2003 on the basis of hearsay. AMSA has no objection to Jeanne Veenstra's June 13, 2002 e-mail.

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<sup>1</sup> Plaintiff and AMSA are exploring a stipulation which would obviate the necessity for introduction of this exhibit, as well as Plaintiff's proposed exhibits 12-14. If entered into, the stipulation would obviate AMSA's objection based on hearsay. However, AMSA would continue to maintain its position that the exhibits or proposed stipulation are not relevant to any issue in this matter.

**#25: Affidavit of Gary Orlacchio dated February 2006.**

AMSA objects to this proposed exhibit on the grounds of hearsay.

ARMORED MOTOR SERVICES OF  
AMERICA, INC.,

By its attorneys,

\_\_\_\_/s/ Laurence J. Donoghue\_\_\_\_  
Laurence J. Donoghue (BBO #130140)  
Allison K. Romantz (BBO# 554909)  
MORGAN, BROWN & JOY, LLP  
200 State Street  
Boston, MA 02109  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served by first class mail, postage prepaid on this 11<sup>th</sup> day of April, 2007, to Plaintiff's counsel of record, William J. McLeod, Esq., McLeod Law Offices, 77 Franklin Street, Boston, Massachusetts 02110 and to Defendant Francisco Ciambriello's counsel of record, David R. Ardito, Esq., Bates Building, 7 North Main Street, Suite 215A, Attleboro, MA 02703.

\_\_\_\_/s/ Laurence J. Donoghue\_\_\_\_  
Laurence J. Donoghue